

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL ACTION NO. 3:09-
CR-46-2 and 3
(BAILEY)**

**JESSE ALLEN JARVIS and
LATEEF JABRALL MCGANN,,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation ("R&R") of United States Magistrate Judge David J. Joel. On July 8, 2009, Magistrate Judge Joel held a hearing on Defendants Jarvis and McGann's Motions to Suppress [Docs. 52 & 61]. Subsequent to that suppression hearing, Magistrate Judge Joel filed his R & R as to the defendants' motions to suppress [Doc. 82] on July 31, 2009. In that filing, the magistrate judge recommended that this Court deny the motions.

Pursuant to 28 U.S.C. § 636 (b) (1) (c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1);

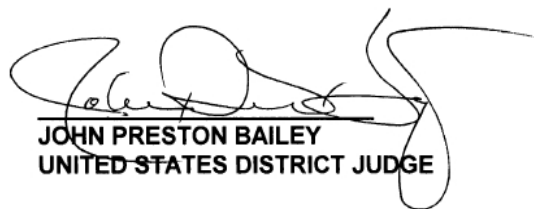
Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Joel's R & R were due within ten days after being served with a copy, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). To date, neither party has filed objections to the R & R. Furthermore, both of the above defendants have since entered into plea agreements. Accordingly, this Court will review the report and recommendation for clear error.

Therefore, upon careful review of the R & R, it is the opinion of this Court that the magistrate judge's **Report and Recommendation [Doc. 82]** should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. Accordingly, the Defendants' Motions to Suppress **[Docs. 52 & 61]** are hereby **DENIED**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: August 26, 2009.


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE